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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,568	02/21/2001	Robert Francis Squibbs	30002999US	5925

7590 06/22/2004
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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/788,568	Applicant(s) SQUIBBS, ROBERT FRANCIS	
	Examiner John M. Villecco	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:
 - On page 14, line 19, applicant refers to the data handling subsystem as reference number 23. However, in the drawings the data handling subsystem is referred to as reference number 25.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Yasukawa (Japanese Publ. No. 10-023398).**

5. Regarding *claim 1*, Yasukawa discloses a camera (1) which records images to a VTR (2) which acts as an image recording subsystem, a GPS unit (3) which acts as a location providing

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subsystem, a computer (6) which acts as a location stamping subsystem, and a location recording subsystem (7, see paragraph 0012) for recording location information independently of the image recording. At the time of image recording a time is associated with the image recording (see paragraph 0011). A time of collection of the GPS data is also collected (see paragraph 0012). Using the time data, the computer (6) is able to associate an image with position data (see paragraph 0015). Furthermore, the collection of GPS data is done independently of the image recording since image data and GPS (or distance) data is constantly collected. Additionally, the time data for both the image recording and the location recording subsystems is interpreted to be the location data items and therefore stored in sequential association with each other. An official translation of the Japanese publication has been ordered for use in future actions.

6. With regard to *claim 2*, Yasukawa discloses that the images could be saved in a digital VTR (see paragraph 0011). The location data is saved in memory (7). These two memories are similar in form. Furthermore, it is inherent that the data is recorded in sequence indicative of the order of recording since it is stored with respect to time data.

7. As for *claim 3*, Yasukawa discloses in paragraph 12 that the location data are inputted into a computer (6) and stored in memory (7). The memory and listing of location data is interpreted to be a log. Furthermore, the time data associated with the location data is interpreted to be sequence data relative to the recorded image recordings.

8. With regard to *claim 9*, Yasukawa discloses that the location providing subsystem can be a GPS system (3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa (Japanese Publ. No. 10-023398).**

11. Regarding *claim 4*, as mentioned above in the discussion of claim 1, Yasukawa discloses all of the limitations of the parent claim. However, Yasukawa fails to explicitly state that the image recording subsystems and the location recording subsystems have independent user-operable controls for triggering recording. However, since a separate time code is recorded for both the image data and the location data, it is clear that they are separately independent of each other. Therefore, the triggering of each event would be independent of each other. One of ordinary skill in the art at the time the invention was made would have found it obvious to provide separate user controls for operating the image recording and the location recording since they are independently operable.

12. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa (Japanese Publ. No. 10-023398) in view of Honda et al. (U.S. Patent No. 6,304,729).**

13. Regarding *claim 10*, as mentioned above in the discussion of claim 1, Yasukawa discloses all of the limitations of the parent claim. However, Yasukawa fails to explicitly state that the location providing subsystem comprises a cellular mobile radio subsystem. Honda, on

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the other hand, discloses that it is well known in the art to provide a location name using a cellular radio subsystem. More specifically, Honda discloses a camera capable of using radio signals to determine a location name. See column 7, lines 35-66. While Honda also discloses a GPS receiver (143), the first radio receiver (141) is the primary receiver since it consumes less power (col. 12, lines 10-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a radio subsystem instead of a GPS subsystem since less power is consumed using a radio subsystem.

Allowable Subject Matter

14. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

Regarding ***claim 5***, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the image recording subsystem and the location subsystem have a common control for triggering recording and a common sensor for determining whether an image is to be recorded, the image recording subsystem being operative to record an image when the control is operated only if the sensor indicates that an image is present, and the location recording subsystem only recording a location data item when the control is operated, if the sensor indicates that an image is absent.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460.


The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
June 8, 2004



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600